PTO/SB/08 (09-06)

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| Substitute for form 1449/PTO | С | omplete if Known | |
| INFORMATION DISCLOSURE | Application Number | 09/825,989 | |
| STATEMENT BY APPLICANT | Patent Number | 7,303,770 | |
| Date Submitted: April 21, 2009 | Filing Date | April 5, 2001 | |
| Date Submitted. April 21, 2009 | First Named Inventor | Jed W. Fahey | |
| | Art Unit | 1614 | |
| (use as many sheets as necessary | Examiner Name | FF KRASS | |
| Sheet 1 of 1 | Attorney Docket Number | 037677-0256 | |

| U.S. PATENT DOCUMENTS | | | | | |
|---------------------------|--------------|---|--------------------------------|--|--|
| Examin er Initials* | Cite No.1 | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| UNPUBLISHED U.S. PATENT APPLICATION DOCUMENTS | | | | | |
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| Examiner Initials* | Cite No.1 | U.S. Patent Application Document Serial Number-Kind Code ² (if known) | Filing Date of Cited Document MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|--------------|--|--------------------------------|---|--|----------------|
| Examiner Initials* | Cite No.1 | Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (<i>if known</i>) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
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| | | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T⁰ |
|--|----|--|----|
| | B1 | Copy of Defendant's Amended Preliminary Invalidity Contentions filed in the U.S. District Court Southern District of New York in the case of Brassica Protection Products LLC (plaintiff) vs. Caudill Seed & Warehouse Co., Inc. (defendant), filed March 3, 2008. (51 pgs.) | |
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| Examiner Signature | Date Considered | |
|-----------------------|--------------------|--|

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